

SIXTH DAY

(January 15, 1962)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Moore
Baker	Owen
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Roberts
Fuller	Rogers
Hardeman	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Martin	Willis
Moffett	

Absent—Excused

Hazlewood	Lane
Hudson	Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 11, 1962, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Martin.

Senator Lane was granted leave of absence for today on account of death in the family on motion of Senator Hardeman.

Senator Hazlewood was granted leave of absence for today on account of illness on motion of President Pro Tempore Herring.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Owen.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 15, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 4, Granting W. H. Nichols & Company, Inc., of Dallas, Texas, permission to sue the State of Texas.

S. C. R. No. 9, Commending Val Verde County Library.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Hardeman submitted the following report:

Austin, Texas,

January 15, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 2, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HARDEMAN, Chairman.

C. S. H. C. R. No. 2 was read the first time.

Senator Moffett submitted the following report:

Austin, Texas,

January 15, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate.

Sir: We your Committee on Agriculture and Livestock, to whom was referred S. B. No. 39, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senate Resolution 16

Senator Hardeman offered the following resolution:

Whereas, It has come to few Texans in modern times to be called upon to render outstanding and patriotic public service to his State as it has to

Honorable Ben Ramsey, a native son; and

Whereas, This distinguished son of San Augustine, once the gateway to El Camino Real, attended the local schools which was followed by his attendance at the University of Texas Law School and his return to his home town where he entered the practice of law with his brother in 1931, and which firm continued until September of 1961; and

Whereas, Mr. Ramsey began his long public service with his election to membership in the House of Representatives of the 42nd Legislature of 1931 and again in the 43rd Legislature of 1933 after which he resumed the private practice of law in San Augustine. He successfully campaigned for the office of State Senator in 1940 and subsequently served as a member of the Senate during the 47th, 48th, 49th and 50th Legislatures from 1941 to 1949. Mr. Ramsey was appointed Secretary of State by the late Governor Beauford H. Jester and assumed his duties on January 21, 1949, which position he held until his resignation on February 9, 1950, to enter the race for Lieutenant Governor, in which he was again successful and to which office he was re-elected for six consecutive terms; and

Whereas, With constructive contributions while serving as a member of the Legislature for twelve years, nevertheless, it was as Lieutenant Governor and President of the Senate that Governor Ramsey rendered his most outstanding service and leaves his imprint upon the political and legislative history of Texas; and

Whereas, During his long and uninterrupted tenure as Lieutenant Governor and President of the Senate, he won the respect of all Texans by his common-sense administration of the office and the fairness, courage and dignity with which he discharged its duties; and

Whereas, As the result of his experience and ability, coupled with his understanding and fine character, Mr. Ramsey was called upon to serve as a member of the Railroad Commission of Texas, which office he assumed on September 18, 1961, and thus became a worthy successor to other great Texans, including the immortal and beloved John H. Reagan, who have graced the Commission; and

Whereas, During the ensuing months of membership on the Rail-

road Commission he has demonstrated his understanding of its manifold duties, as well as the appreciation of his responsibilities to the citizens of Texas; and

Whereas, Former Lieutenant Governor and now Commissioner Ramsey and Mrs. Ramsey have three lovely young daughters, Rita, Ann and Mari-Ben, who have contributed to the happiness of their parents, and shared their successes, as the family became endeared to their associates, as well as to all who know them; and

Whereas, It is the desire of the members of the Senate of the 57th Legislature, many of whom have served with Commissioner Ramsey since he first became a member of the Senate in 1941, and as its President, to express their appreciation for the able and patriotic public service he has rendered and to extend its sincere congratulations to Mr. and Mrs. Ramsey and their children in their continued service to the state; now, therefore, be it

Resolved by the Senate of the 57th Legislature that it does hereby express its official appreciation of Commissioner Ramsey's Legislative service to Texas and extend its congratulations and best wishes to him in his new assignment and to his family in the years to come; and be it further

Resolved that copies of this Resolution be forwarded to Mr. Ben Ramsey, under the official Seal of the Senate, by the Secretary of the Senate, as evidence of the esteem and respect in which he and his family are held by this body, and this Resolution be printed in the Journal of the Senate.

HARDEMAN

Signed—Charles F. Herring, President Pro Tempore; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Spears, Weinert, Willis.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the President Pro Tempore and all the Senators were added to the resolution as signers thereof.

The resolution was adopted.

Senate Resolution 17

Senator Moffett offered the following resolution:

Whereas, January 19, 1807, was the birthday of an individual who was destined to become one of the greatest Americans of all times; and

Whereas, This date is set apart in recognition of the noble life and character of General Robert E. Lee; and

Whereas, General Lee rendered military service in Texas prior to the outbreak of the War Between the States, after which he became the outstanding military leader of the Confederate forces in that War; and

Whereas, It is deemed appropriate to honor his memory with a discussion of his life and character, now, therefore, be it

Resolved by the Senate of the 57th Legislature, that our colleague, Dorsey B. Hardeman, the Senator from the 25th District, a member of the Sons of Confederate Veterans, be invited to address the Senate, immediately following the Morning Call on January 18, 1962.

The resolution was read and was adopted.

Presentation of Guests

Senator Fuller by unanimous consent presented Mr. and Mrs. Walter Smith, Mr. and Mrs. George Clark, all of Port Arthur, Texas and Mr. and Mrs. Earl Cooper of San Antonio, Texas, to the Members of the Senate.

Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
January 15, 1962.

To the Senate of the Fifty-seventh Legislature, Third Called Session:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be members of the State Seed and Plant Board, for two-year terms to expire October 6, 1963:

C. B. Godbey of College Station, Brazos County;

Emmett Harper of Martindale, Caldwell County;

Dr. A. W. Young of Lubbock, Lubbock County.

To be a member of the Board of Managers of the Texas State Railroad, for a six-year term to expire April 8, 1967:

E. M. Decker, Jr., of Jacksonville, Cherokee County.

To be branch pilots for the Port Aransas Bar, Corpus Christi Bay and Tributaries, for two-year terms to expire January 13, 1964:

John Robert DeForest of Corpus Christi, Nueces County;

Harold Percy Lister, Jr., of Corpus Christi, Nueces County;

Ollin Shepard of Corpus Christi, Nueces County.

To be branch pilot for the Sabine Bar, Pass and Tributaries, for a two-year term to expire January 15, 1964:

Donald C. Ferguson of Port Arthur, Jefferson County.

Respectfully submitted,

PRICE DANIEL,
Governor of Texas.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 40, A bill to be entitled "An Act amending Section 2 of Chapter 223, Acts of the 56th Legislature, Regular Session, 1959, page 505, (codified as Article 4437f of Vernon's Annotated Civil Statutes of Texas), in regard to the definition of 'hospital'; containing the severance clause; and declaring an emergency."

To the Committee on Public Health.

By Senator Owen:

S. B. No. 41, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official Shorthand Reporter for the 143rd Judicial District of Texas; with saving clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Hardeman and Herring:

S. B. No. 42, A bill to be entitled "An Act amending Article 630, Revised Civil Statutes of Texas, 1925, so as to provide approval by the Governor, the Secretary of State, and the Comptroller of certain purchase contracts made under the provisions of the State Purchasing Act of 1957; repealing Articles 607, 608, as amended, 609, 610, 611, 612, 613, as amended, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, and 629 of the Revised Civil Statutes of Texas; and declaring an emergency."

To the Committee on State Affairs.

By Senator Fuller:

S. B. No. 43, a bill to be entitled "An Act amending Section 6 of Chapter 159, Acts of the 57th Legislature, Regular Session, 1961, compiled as Section 6 of Article 2338-14, Vernon's Texas Civil Statutes, so as to authorize and make provision for the Court of Domestic Relations for Jefferson County to sit and hold court at any time in Port Arthur and to hear and determine any civil non-jury case over which it has jurisdiction; authorizing the judges of district courts to sit for the judge of the Court of Domestic Relations; validating certain acts by said Court; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Concurrent Resolution 10

Senator Moffett offered the following resolution:

S. C. R. No. 10, Relating to the celebration of Wichita Falls Football Champions Appreciation Day.

Whereas, The 1961 Wichita Falls High School football team—known far and wide as the Coyotes—have recently won the 1961 Interscholastic State AAAA Championship; and

Whereas, This remarkable group of high school football players have demonstrated outstanding qualities of courage, physical skill and endurance, good sportsmanship, and the essential capacity for cooperation and teamwork, all of which qualities are highly commendable and contribute to the winning of championships and the making of champions; and

Whereas, The Coyotes of the 1961

football season were coached by a proficient staff, led by Head Coach Joe Golding, who has successfully brought the Coyotes to the State AAAA Finals every football season for the last four years. The 1961 season was the second in that four-year period when the Coyotes won the State AAAA Championship; and

Whereas, The City of Wichita Falls, Texas, and surrounding area are desirous of showing proper recognition to the 1961 AAAA Football Championship Team and their coaches; and

Whereas, In furtherance of the above mentioned desire, the Wichita Falls Booster Club, the Chamber of Commerce, and the Civic Booster Club of Wichita Falls have joined in arranging that Saturday, January 20, 1962, be designated as Football Champions Appreciation Day, and that a suitable program be rendered to adequately recognize the remarkable achievements of the Wichita Falls High School football team of 1961; and, therefore, be it

Resolved, By the Senate of the 57th Texas Legislature, the House of Representatives concurring, that deep and sincere congratulations be hereby extended to the football team, to the coaching staff, to the faculty, to the student body of Wichita Falls High School, and to the loyal citizens who aid and support all of the commendable activities of this fine educational institution, and particularly its football team for winning the 1961 AAAA Championship; and, be it further

Resolved, That a copy of this Resolution be sent to the Captain of the Wichita Falls High School 1961 football team, to Coach Joe Golding, to the President of the Wichita Falls School Board, to the Superintendent of Schools in Wichita Falls, and to the Athletic Department of the Wichita Falls High School for future reference.

The resolution was read.

On motion of Senator Moffett and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 8 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time

on its second reading the following resolution:

S. C. R. No. 8, Granting permission to Dr. Ellis Carp to sue the State of Texas.

The resolution was read and adopted.

Motion to Place Senate Bill 23 on Second Reading

Senator Owen asked unanimous consent to suspend the regular order of business and take up S. B. No. 23 for consideration at this time.

Senator Ratliff raised the point of order that S. B. No. 23 did not come within the subject submitted by the Governor for consideration at the Third Called Session.

The President Pro Tempore sustained the Point of Order.

Senate Bill 12 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 12, A bill to be entitled "An Act relating to the validation of the incorporation, boundaries and governmental procedures of certain cities and towns having a population according to the Federal Census of 1960 of not more than six thousand (6,000); amending Section 5 of Senate Bill No. 59, Acts of the 57th Legislature, First Called Session, 1961, codified as Section 5 of Article 974d-9, Vernon's Texas Civil Statutes, so as to make the provisions of that Act inapplicable to cities and towns in counties having a population of one hundred thousand (100,000) or more according to the last preceding Federal Census, which cities or towns are involved in litigation on the effective date of the original Act or on the effective date of this amendment, questioning the legality of such incorporation; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Hardeman raised the Point of Order that S. B. No. 12 did not come within the subjects submitted by the Governor for consideration at this time and also is in the violation of Article III, Section 40 of the Constitution.

The President Pro Tempore sustained the Point of Order.

Question: Shall S. B. No. 12 be passed to engrossment?

Senate Bill 13 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 13, A bill to be entitled "An Act relating to the validation of the incorporation, boundaries and governmental procedures of certain cities and towns of four thousand, five hundred (4,500) inhabitants or less; amending Section 5 of House Bill No. 482, Acts of the 57th Legislature, Regular Session, 1961, codified as Section 5 of Article 966h, Vernon's Texas Civil Statutes, so as to make the provisions of that Act inapplicable to cities and towns in counties having a population of one hundred thousand (100,000) etc., and declaring an emergency."

The bill was read second time.

Senator Hardeman raised the Point of Order that S. B. No. 13 did not come within the subjects submitted by the Governor for consideration at this time and also is in violation of Article III, Section 40 of the Constitution.

The President Pro Tempore sustained the Point of Order.

Question: Shall S. B. No. 13 be passed to engrossment?

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 15, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 6, Granting permission to Bernice Crowder to sue the State of Texas and the State Highway Commission.

H. B. No. 3, "To define and regulate the business of lending money in amounts of Fifteen Hundred Dollars (1,500) or less; to authorize the licensing and regulation of persons engaged in such business; to permit licensees to charge a greater rate of interest

than lenders not licensed hereunder; ... etc.; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Resolution 21

Senator Patman offered the following resolution:

Whereas, The Great Eighteenth Senatorial District of Texas has recently been signally honored in having one of its most beautiful and talented citizens, Miss Anita Louise Koop, of Jackson County, selected to be Queen of the Texas Farm Bureau; and

Whereas, This honor was bestowed on Miss Koop at the 28th Annual Farm Bureau Convention in Galveston on November 15, 1961, and

Whereas, Miss Koop was graduated from Industrial High School and is now a sophomore student in Del Mar College in Corpus Christi, majoring in music; and

Whereas, It is the desire of the Senate to share the honor and pleasure of this event with the very fine and highly respected parents of Miss Koop, Mr. and Mrs. Arnold Koop, of Edna, Texas, and to adopt a resolution to document the high esteem in which the Texas Senate regards Miss Koop; now, therefore, be it,

Resolved, That Miss Anita Louise Koop be cordially invited to appear before the Texas Senate on Monday morning, January 15, 1962, at 11:00 o'clock A. M., to be introduced to the Members of the Senate; and be it further

Resolved, That an official enrolled copy of this resolution be presented to Miss Koop and her parents, with sincere congratulations and best wishes.

The resolution was read and adopted.

The President Pro Tempore announced the presence of Miss Koop and her party in the Senate and accordingly appointed Senators Patman, Rogers and Moffett to escort Miss Koop and Mr. J. H. West of Bishop, Texas, President of the Texas Farm Bureau to the President's Rostrum.

The President Pro Tempore presented Senator Patman. Senator Patman then introduced Mr. West to the Members of the Senate and he ad-

ressed the Senate briefly and then introduced the lovely "Queen of the Texas Farm Bureau," Miss Anita Louise Koop, to the Members of the Senate. She then addressed the Senate briefly.

Report of Standing Committee

Senator Aikin, by unanimous consent, submitted the following report:

Austin, Texas,
January 15, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate.

We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 43, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senate Concurrent Resolution 11

Senator Baker offered the following resolution:

S. C. R. No. 11, Granting Computers, Inc., permission to sue the State of Texas.

Whereas, Computers, Inc., is a Texas corporation engaged in the business of designing and manufacturing electronic equipment, including data computers and equipment related thereto; and

Whereas, On or about September 16, 1960, and on or about February 27, 1961, The State of Texas and the University of Texas—Medical Branch at Galveston, Texas, issued purchase orders to the said Computers, Inc., for the design and manufacture of a data computer and related equipment at a price agreed upon between such parties; and

Whereas, At such instance and request of the State of Texas and University of Texas—Medical Branch, Computers, Inc., designed and manufactured a data computer and related equipment for which the State of Texas and the University of Texas, Medical Branch have refused to pay Computers, Inc., said agreed price; and

Whereas, There exists between Computers, Inc., and the University of Texas—Medical Branch and the State of Texas a bona fide dispute as to whether Computers, Inc., designed

and manufactured said data computer and related equipment in accordance with the agreement of the parties relating thereto; and as to whether the refusal to pay said agreed price to Computers, Inc., is justified; and

Whereas, It is the policy of the Legislature of the State of Texas to give and grant to persons and corporations the right to litigate any valid claim against the State of Texas in a court of competent jurisdiction;

Now, Therefore, be it resolved by the Senate of Texas with the House of Representatives concurring, that Computers, Inc., be and is hereby granted permission to bring suit against the State of Texas and the University of Texas—Medical Branch in any court of competent jurisdiction in Harris County, Texas, to recover judgment against the State of Texas and the University of Texas—Medical Branch for all amounts of money legally due Computers, Inc., for the design and manufacture of said data computer and related equipment; and service of citation for the purposes herein granted may be served upon the State of Texas and the University of Texas—Medical Branch by serving the Attorney General, the State Treasurer and the Comptroller of Public Accounts; and be it further

Resolved, That said suit may be filed within two years from the effective date of this Resolution; and be it further

Resolved, that it is understood that the purpose of this Resolution is solely to grant permission to bring suit against the State of Texas and the University of Texas—Medical Branch and no admission of any liability on the part of the State of Texas or the University of Texas—Medical Branch of any fact is made in this resolution.

The resolution was read and referred to the Committee on Jurisprudence.

House Bill and Resolution on First Reading

The following bill and resolution received from the House were read the first time and referred to the Committees indicated:

H. B. No. 3, To the Committee on State Affairs.

H. C. R. No. 6, To the Committee on Jurisprudence.

Senate Resolution 22

Senator Spears offered the following resolution:

Whereas, Our former colleague from Bexar County, the Honorable Henry B. Gonzalez, has been elected to the Congress of the United States from the 20th Congressional District; and

Whereas, He served in the Texas Senate during the 55th, 56th, and 57th sessions of the Legislature until his election to the United States House of Representatives in October, 1961; and

Whereas, He is a man of outstanding ability who distinguished himself as a member of this Senate; and

Whereas, He possesses the true qualities of a statesman—integrity, tenacity of purpose, and a strict adherence to the principles of Democracy—and has demonstrated at all times his devotion to his office and his responsibility to the people he represents; and

Whereas, It is our desire to congratulate the Honorable Henry B. Gonzalez; now, therefore, be it

Resolved, That the Senate of the Fifty-seventh Legislature, Third Called Session, congratulates our former colleague on his elevation in office and offers him our best wishes for his success in the Congress of the United States, and extends to his fine family our affection and hope for their happiness; and be it further

Resolved, That copies of this Resolution be forwarded under the Seal of the Senate to the Honorable Henry B. Gonzalez and to the members of the Texas Delegation in the Congress of the United States.

SPEARS
ROGERS
WILLIS
KAZEN
DIES
MOORE
SCHWARTZ
OWEN
BAKER
KRUEGER
REAGAN
FULLER
MARTIN
SMITH
SECREST
PATMAN

The resolution was read.

Senator Spears offered the following amendment to the resolution:

Amend S. R. No. 22 by changing the word "October" in line 7 to "November."

The amendment was adopted.

The resolution, as amended, was then adopted.

Welcome Resolutions

S. R. No. 18—By Senator Fuller: Extending welcome and privileges of the floor to Miss Gayle Smith and Miss Earl Ida Cooper, Jr.

S. R. No. 19—By Senator Fuller: Designating Michael George Smith an "honorary page" for the Senate.

S. R. No. 20—By Senator Rogers: Congratulating Judge and Mrs. E. A. Bills of Littlefield on the occasion of their 50th wedding anniversary.

Adjournment

On motion of Senator Hardeman the Senate at 11:30 o'clock a.m., adjourned until 10:30 o'clock a.m., tomorrow.

SEVENTH DAY

(January 16, 1962)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Moore
Baker	Owen
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Roberts
Fuller	Rogers
Hardeman	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Martin	Willis
Moffett	

Absent—Excused

Hazlewood	Lane
Hudson	Weinert

A quorum was announced present.

Reverend W. T. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Martin.

Senator Hazlewood was granted leave of absence for today on account of illness on motion of Senator Herring.

Senator Lane was granted leave of absence for today on account of death in the family on motion of Senator Martin.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Owen.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 16, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 1, A bill to be entitled "An Act amending Article 9.25 of Chapter 9, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, and Subsection (4b) of Section 2, Article XX, House Bill No. 8, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature (Article 7083a), as amended, to provide for the maintenance of Farm to Market Roads and to require the expenditure of certain amounts for the construction of newly designated Farm to Market Roads; making certain appropriations; providing severability; and declaring an emergency."

H. B. No. 11, A bill to be entitled "An Act appropriating from the General Revenue Fund One Hundred and Fifty Thousand Dollars for the expenses of the Senate, and Two Hundred and Fifty Thousand Dollars for the expenses of the House of Representatives, for the Third Called Ses-